

01-R-1028

Entered - 12-28-00 - sb
CL 00L0758 - ALEXIS HOLMES

CLAIM OF: **RONALD BRUCATO**
1101 Collier Road, NW # E-3
Atlanta, Georgia 30318

for vehicular damages alleged to have been sustained as a result of driving over sunken manholes, and double steel storm grates on November 30, 2000 at the Marietta Street and Howell Mill Road Junction.

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **RONALD BRUCATO** the sum of **\$882.99** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained as a result of driving over sunken manholes, and double steel storm grates on November 30, 2000 at the Marietta Street and Howell Mill Road Junction as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0758

Date: 6/25/01

Claimant /Victim RONALD BRUCATO

BY: (Atty) _____

Address: 1101 Collier Road, NW # E-3 Atlanta, Georgia 30318

Subrogation: _____ Claim for Property damage \$ 882.99 Bodily Injury \$ _____

Date of Notice: 12/26/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 11/20/00 Place: Marietta Street and Howell Mill Road Junction

Department Public Works Division: Sewer Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant sustained vehicular damages when he drove his vehicle over several sunken manhole covers, and double steel storm grates in the road. In an investigation it was determined that the same road hazards existed at this location for an extended period of time, the City has taken action to correct these defects.

INVESTIGATION:

Statements: City employee _____ Claimant X Other _____ Written X Oral X

Pictures X Diagrams X Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X

Improper Notice _____ More than Six Months _____ Other X Damages reasonable X

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ 882.99 Adverse _____ Account charged: 1A01 _____ 2J01 X 2H01 _____

Claims Manager:  Concur/date 06-26-01

Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
CLERK OF COUNCIL
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: Dec. 9, 2000

Dear Clerk of Council:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 889.99 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: November 30, 2000
(month/day/year)
2. Police called: _____ X
Yes No
3. Location of incident: Marquette Street & Howell Mill Road JUNCTION
4. Name of your insurance company: GA. FARM Bureau Policy No. _____
5. State what and how incident occurred: See accompanying letter + photos

6. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

7. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: TOYOTA CAMRY 1991 Ronald BRUCATO
(make) (year) (tag number) (driver's name)

City vehicle: N/A
(make) (City driver's name) (department/bureau)

8. Witness: ARNOLD SHERROD, ASSIST SERV. MGR. GEMINI-Good Year 404-352-0001
(name) (address) (telephone number)
1921 Howell Mill Rd, ATLANTA 30318

9. The acknowledgement of this claim in no way waives the Governmental immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

10. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Ronald BRUCATO
(claimant's name)
1101 Collier Rd NW #E3
(address)
ATLANTA, GA 30318
(city and state)
404 676-8175
(work number) (home number)

Ronald F. Brucato

(404) 352-4737 Evening
(404) 676-8175 Day

EMAIL: Rzapp@Mindspring.Com

1101 Collier Road NW
Townhouse E-3
Atlanta, GA. 30318

INTERNET: <http://www.mindspring.com/~rzapp/rzapp.html>

Saturday, December 09, 2000

Council of the City of Atlanta
Clerk of Council
55 Trinity Avenue, SW
Atlanta, Georgia 30335

RE: Claim For Damages, How Incident Occurred

Dear Clerk of Council:

ENTERED - 12-28-00 - SB
00L0758 - ALEXIS HOLMES

On Thursday, November 30, 2000, at approximately 6:30 in the evening, I was driving home from work (at The Coca-Cola Company). I was going north on Marietta Street NW, bearing right at the fork that becomes Howell Mill Road. Immediately preceding the beginning of Howell Mill Road there is a recessed double sewer plate. The sewer plates are sunken about 3 inches below the street pavement (see Photos A, no. 1a-c) because the street was repaved about a year ago and few if any plate covers were elevated flush with the road.

Many of us pass these hazards daily on our way to and from work and must consciously avoid them. On November 30th I failed to avoid this sewer plate (photos A, no. 1a-c) and I heard a loud thud when I rolled over it at about 30-35 miles per hour. Then there is a **SECOND** set of hazards further down the road in front of SUNLOW, INC. at 1071 Howell Mill Road. This set of hazards is a manhole cover and another double sewer plate, both sunken into the road (see Photos A, no. 2), which I pass daily.

Between these two road hazards I incurred extreme damage to my right front tire. The damage was 2 slashes, one L-shaped 4 inch gash and another 1.5 inch cut (see Photos B, no. 4a-b and 5a-b) that caused my tire to become useless. Also, due to the sudden impact, my wheel rim was bent (see Photos B, no. 3a) disabling that rim from daily use.

That night I limped into the JUST BREAKS station at the corner of Howell Mill and Chattahoochee to have the tire changed. On the following Saturday, December 02, 2000, I had to buy a complete replacement set of tires because the 3 other original tires would not function properly with one totally new tire. In addition, the mechanic found that the CV (velocity) joints were torn and damaged and the axles needed to be replaced. He stated that if this repair is neglected the joints become/are contaminated by road debris and will thus inevitably lead to complete replacement of the transmission.

Thus, I am submitting this damage claim (see attached estimate and tire receipts) to you since the road hazards have never been repaired on Marietta Street and Howell Mill Road and are a proven danger to all of us who drive back and forth on these roads. I am submitting substantiating photos of the road hazards (along with maps) and the documented receipts. I am requesting remuneration of the cost of the four tires and replacement of two axles (CV joints). The mechanic verbally advised that a replacement RIM would cost approximately \$40.00 or more but he did not write that in the estimate. The total documented estimates and receipts total \$889.99 NOT INCLUDING \$40.00 rim replacement cost.

Your immediate attention and response to this claim would be deeply appreciated and curtail any pursuant actions.

Sincerely,

Ronald F. Brucato

GENERAL RELEASE AND INDEMNIFICATIONCLAIM NUMBER 00L0758\$ 882.99

IN CONSIDERATION of the sum of EIGHT HUNDRED AND EIGHTY-TWO AND 99/100
DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged,
I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City,
its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and
expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly
for or on account of vehicular damages alleged to have been sustained as a result of driving over sunken
manholes, and double steel storm grates
which occurred on or about the 30th day of November, 2000
at or near Marietta Street and Howell Mill Road

It is further understood and agreed that the payment of the above named sum is not to be considered an
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this
instrument.

WITNESS my hand and seal this 28 day of June, 2001

Ronald Brucato (LS)
RONALD BRUCATO

The above release was read and explained to, and signed by the said Ron Brucato

in our presence on the date above written.

Susan F...
...
WITNESSES

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